

PETER J. TERZIAN, JR.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GARY MILFORD

Plaintiff,

-vs-

No.99C5979

COMMERCIAL CARRIERS, INC., DELAVAN
INDUSTRIES, INC., RYDER SYSTEM, INC.,
RYDER AUTOMOTIVE OPERATIONS, INC.,
RYDER AUTOMOTIVE CARRIER SERVICES,
INC., RYDER AUTOMOTIVE CARRIER GROUP,
INC., RYDER AUTOMOTIVE CARRIER
DIVISION, GACS, INC., ALLIED HOLDINGS,
INC., ALLIED SYSTEMS, LTD., and H.H.
ACQUISITION CORPORATION,

Defendants.

Examination Before Trial of PETER
J. TERZIAN, JR., held at RADISSON HOTEL & SUITES, 4243
Genesee Street, Buffalo, New York, taken on August 16,
2001, commencing at 12:06 PM, before MARIA KURBIEL,
Notary Public.

DENALL, VITRANO
AND ASSOCIATES

1 Q. Okay. Does GACS, Incorporated have any employees?

2 A. No, sir.

3 Q. Does it have any other consultants?

4 A. I know of one, Bob Silber, S I L B E R. And other than
5 that, I don't believe so, but I am not sure.

6 Q. Your specialty and your consulting work differ from Mr.
7 Lemke's and Mr. Silber's?

8 A. It differs from Mr. Silber's, but it's pretty much the
9 same as Mr. Lemke's.

10 Q. Has Mr. Lemke worked at all or consulted at all on this
11 case, if you know?

12 A. In this case, I don't believe so, no.

13 Q. How about Mr. Silber?

14 A. I don't believe so, no.

15 Q. Okay. How is Mr. Silber's role different?

16 A. He was formerly in safety, safety director and he
17 really doesn't -- didn't ever get in to the
18 manufacturing of trailers. He's not what you call a
19 trailer expert. Someone who has had vast experience,
20 workings in the auto transport, he knows about it, but
21 his expertise is safety.

22 Q. Have you ever worked as a car hauler?

23 A. Yes, sir.

1 Q. On request six I asked for all correspondence between
2 the witness and anyone else. You have Brian verbal
3 written down. What does that mean?

4 A. I know what it means, I had to ask permission from
5 Allied's attorney Brian Downs to set up the rig
6 inspection, that's what that means.

7 Q. Okay. Do you know Mr. Downs?

8 A. Well, yes, sir, basically, I do.

9 Q. Have you ever done work with him or for him as a
10 consultant?

11 A. No, sir, for him. Not for him, I worked for Mr.
12 Olinski, but if we have to use a CCI facility or
13 anything like that, it has to go through the Allied
14 corporate attorney.

15 Q. What's Mr. Olinski's first name?

16 A. Jim, James.

17 Q. Where is his office?

18 A. In Decatur, Illinois -- in Decatur, Georgia.

19 Q. Who is he an employee of?

20 A. GACS, incorporated.

21 Q. I thought GACS didn't have any employees?

22 A. You are right. I don't know who he's employed with --
23 it must be an Allied subsidiary, I don't know exactly

1 who, but GACS, Incorporated does not have any
2 employees, so it can't be them. That's my mistake.

3 Q. My understanding is that GACS basically just owns other
4 corporations?

5 A. They own another corporation, yes.

6 Q. What corporation do they own?

7 A. CCI.

8 Q. Any others?

9 A. No, sir.

10 Q. Do they have share officers and directors and that sort
11 of thing?

12 A. I don't know that, sir.

13 Q. Do you know who the head of GACS is?

14 A. No, sir, I don't.

15 Q. Okay.

16 A. I know Mr. Herb -- no, he's not --

17 Q. Who signs your checks?

18 A. I send my bills in to Mr. Olinski and he processes them
19 and they come back GACS, Incorporated or CCI,
20 Incorporated.

21 Q. Or does that mean you've received checks from both?

22 A. Yes, sir, depending on what case I am working on.

23 Q. In this case where do you get the checks from?

1 A. I don't know on this particular case, to tell you the
2 truth, I don't remember. There hasn't been too much
3 billing on this case up till now.

4 Q. When you receive a check from GACS, Inc., who signs it?

5 A. I think a gentleman named McDaniel.

6 Q. Do you know his first name?

7 A. No. William, I think it's William.

8 Q. Have you ever met Mr. McDaniel?

9 A. On one or two occasions I have.

10 Q. Where does he work?

11 A. He works in Decatur, Georgia also.

12 Q. Do you know who he works for?

13 A. No, sir.

14 MR. MCGARRAH: Brian Downs, by the way is outside counsel,
15 he's not an employee, you've talked to him once.

16 MR. HOSTE: Right.

17 MR. MCGARRAH: He's with Warden & Downs.

18 MR. HOSTE: Yeah.

19 MR. MCGARRAH: Okay.

20 BY MR. HOSTE:

21 Q. Do you know what Mr. McDaniel's position is within his
22 company that he works for?

23 A. No, sir.

1 Q. Does CCI currently have any employees?

2 A. No, sir, they don't.

3 Q. Does it do any business?

4 A. They are a -- no, they don't do any business, they are
5 a wholly owned subsidiary of GACS, Incorporated, they
6 have no employees.

7 Q. When was GACS created?

8 A. I don't know that, sir, I don't know when GACS,
9 Incorporated was incorporated at all.

10 Q. When did it become the owner of CCI?

11 A. Okay, let me go back and change that answer I just gave
12 you. If I give you a little history it would explain
13 it a little bit better. RACS and RAOI were merged.

14 Q. Who is that?

15 A. Ryder Operations, Inc., they were merged in February,
16 1998. The resulting company was Allied Automotive
17 Carrier Services AACS. Shortly thereafter the name was
18 changed to GACS, Incorporated. I hope that
19 satisfactorily answers your question.

20 Q. Do you keep copies of your invoices, is that what you
21 do, you send an invoice in to who?

22 A. To Mr. Olinski.

23 Q. And he sees that you are paid?

1 to that, you can answer.

2 THE WITNESS: I am here because I understood you asked me
3 to come here today.

4 BY MR. HOSTE:

5 Q. Well, I am here because you were hired by somebody to
6 provide an Affidavit.

7 A. Right, and I am here because you asked me to go over
8 the Affidavit and --

9 Q. Who hired you to provide the Affidavit?

10 A. GACS, Incorporated.

11 Q. Okay. It's your understanding that GACS assumed the
12 liabilities of CCI for the manufacture of the trailer,
13 for lawsuits stemming out of the manufacture of the
14 trailers?

15 A. AH Acquisition Corporation assumed the liabilities for
16 the lawsuits of the trailer.

17 Q. Okay. And then that became GACS?

18 A. I am not sure how that transpired, I don't know what
19 happened at that time. What I can tell you, what I do
20 know is that RACS and RAOI were merged, the resulting
21 company, after Allied Automotive Carrier Services the
22 name was changed to GACS, incorporated.

23 Q. So, is there still a company called AH Acquisition

DENALL, VITRANO
AND ASSOCIATES

1 Corporation?

2 A. I don't know, I don't know if they are still in
3 existence or not.

4 Q. And GACS doesn't have any employees?

5 A. That's correct.

6 Q. And CCI doesn't have any employees?

7 A. That's correct.

8 Q. And you didn't know if AH Acquisition Corporation has
9 any employees?

10 A. I don't know anything about AH Acquisition Corporation.

11 Q. And RAOI and RACS are all part of GACS?

12 A. They were merged and then became Allied Automotive
13 Carrier Services whose name was changed to GACS,
1 Incorporated -- Inc. -- incorporated. I am sorry, I am
2 getting tired.

3 Q. Okay. And the last time you would have worked at that
4 plant was 9-30-97?

5 A. That's correct on or about, you know is maybe one day
6 either way.

7 Q. And do they still make trailers out of that plant?

8 A. Who is they?

9 Q. Does anybody make trailers out of that plant?

23- A. Yes, there's a company that makes trailers out of that

DENALL, VITRANC
AND ASSOCIATES

IN THE CIRCUIT COURT
FOR HILLSBOROUGH COUNTY, FLORIDA

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WILLIAM "DONNIE" BECKETT
and HOPE BECKETT,

Plaintiffs,

Case No. 98-8249

vs.

Division: "F"

DELANE INDUSTRIES, INC.;
RYDER SYSTEMS, INC.; RYDER
AUTOMOTIVE OPERATIONS, INC.;
RYDER AUTOMOTIVE CARRIER
GROUP, INC.; RYDER
AUTOMOTIVE CARRIER DIVISION
(unincorporated); RYDER
AUTOMOTIVE CARRIER SERVICES,
INC.; RYDER SERVICES
CORPORATION; and COMMERCIAL
CARRIERS, INC.,

Defendants.

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DEPOSITION OF: PETER J. TERZIAN, JR.
TAKEN: By Counsel for Plaintiffs
DATE: March 20, 2000
PLACE: Suite 1775
201 North Franklin Street
Tampa, Florida
TIME: Beginning at 8:53 a.m.
REPORTED BY: Michele J. Galeski
Notary Public
State of Florida at Large

ORIGINAL

1 Delavan equipment?

2 A No, sir. CCI-built equipment, also;
3 RACI, d/b/a Delavan-built equipment.

4 Q Do you act as an expert in court cases?

5 A I have at one or two times, but mostly
6 I'm just a transportation technical consultant.

7 Q You know, the word "consultant" is
8 confusing many times.

9 What I'm trying to find out is, what do
10 you do for these people?

11 A I provide information. If they want to
12 anything about the workings of Delavan or CCI

13 I'm pretty knowledgeable on that.

14 Why don't they call Delavan or CCI to
15 find

16 Delavan no longer exists.

17 How about CCI?

18 CCI no longer exists.

19 When did CCI no longer exist? As of

20

21 It was around the -- I think it

22 totally finalized, around September of
23 1997.

24 Q When you say "CCI," are you talking about
25 the company Commercial Carriers, Inc.?